

PO E. Sickles

Q Okay.

And after the shot was administered, what happened next?

5                   A           I was out of the room. I was  
6                   asked to leave the room, and I was standing out  
7                   in the hallway, and at that point, several  
8                   minutes later, Dr. Levy walked out and I had  
9                   asked him -- I advised him that Mr. Bradway was  
10                  still in my custody, that I would have to stay  
11                  with him, and I asked him a time frame about,  
12                  you know, how long before he can -- he would be  
13                  able to leave.

Q And what did Dr. Levy say?

15 A He said it could be anywhere  
16 from -- I believe what he said was "two days to  
17 several weeks."

18 Q And did you ask or did Dr. Levy  
19 tell you why it would be two days to several  
20 weeks?

21 A No

22 Q When you asked Dr. Levy how long  
23 would it be, was it your understanding that it  
24 would be a matter of hours?

25 A Yes I believed

1 PO E. Sickles

2 Q Okay.

3 So when Dr. Levy told you it would  
4 be two days to a matter of weeks, did you say  
5 anything to him in response to that?

6 A No. I believe I just separated  
7 from him and advised my supervisor.

8 Q And your supervisor is Sergeant  
9 Kiernan?

10 A Yes.

11 Q How did you advise him?

12 A I called him on the cell phone.

13 Q Before calling him on the cell  
14 phone to advise him about the time frame at the  
15 hospital, did you talk to him from the hospital?

16 A No.

17 Q Okay.

18 So you called Sergeant Kiernan?

19 A Yes.

20 Q What did you tell him?

21 A I advised him of the time frame  
22 that Dr. Levy had let me know, and I said that  
23 we would have to do something about possibly  
24 releasing him.

25 Q What did Sergeant Kiernan say to

1 PO E. Sickles  
2 you?

3                   A           He told me that the rest of  
4 Mr. Bradway's property was here, that we would  
5 just release him on a field appearance ticket  
6 and put it with the rest of his property.

7 Q What is a "field appearance  
8 ticket"?

9 A It's just a ticket advising you of  
10 your charge and a date to appear in court.

11 Q After you spoke to Sergeant  
12 Kiernan, did you speak with members of the  
13 hospital staff, whether it be Dr. Levy or  
14 someone else?

15 A Yes, I believe I spoke to  
16 Dr. Levy.

17 Q What did you say to him?

18 A I recall asking him if he thought  
19 Mr. Bradway would be a problem, and at that time  
20 I believe he told me that they had induced a  
21 coma.

22 | Q Okay.

23 So when you said "a problem," what  
24 did you mean by "a problem"?

25 A Like combatant, combatant with the

PO E. Sickles

staff or anything like that, a reason they would need a police officer there.

Q Okay.

And other than telling you that they had induced a coma, did Dr. Levy say anything else?

A            No. I told him that I would be releasing the subject if he wasn't going to be a problem, and I'd be leaving.

Q      What did Dr. Levy say?

A That was fine.

Q At any point did Dr. Levy give you any kind of medical diagnosis as to what was wrong with Tony Bradway?

A No.

Q So after the conversation in which Dr. Levy advised you that the hospital had induced a coma, what did you do in the case?

A      I left

Q Do you recall approximately what time that was?

A I don't.

8 You left. Where did you go?

A I came back to headquarters here

1 PO E. Sickles

2 I believe.

3 Q What did you do when you got back  
4 to headquarters with respect to Mr. Bradway?

5 A I believe I filled out the field  
6 appearance ticket and put it with his property.

7 Q Now, the field appearance ticket,  
8 would you have to physically hand that to an  
9 arrestee?

10 A Under most circumstances, yes.

11 Q And were you intending to do that  
12 in this circumstance?

13 A I was going to put it with his  
14 property.

15 Q And that would stay at the police  
16 station?

17 A Yes.

18 Q But when you filled it out, were  
19 you -- at the time you were filling out the  
20 appearance ticket, were you intending on  
21 bringing it back to the hospital and presenting  
22 it to Mr. Bradway?

23 A No.

24 Q Why is that?

25 A At that point I didn't know his

PO E. Sickles

condition. I wasn't -- and the property was going to be kept here for safekeeping, and that was -- at that time, was part of his property.

Q Is there some sort of protocol or steps that you would take in a circumstance such as this where the arrestee is left at the hospital? Is it your obligation -- yours or somebody else's -- to follow up with the hospital or the doctor?

A I don't believe so. This is a unique situation for me. I don't know.

Q Okay.

When you returned to headquarters after leaving the hospital, did you speak with Sergeant Kiernan about Mr. Bradway?

A I believe he was still here. I  
believe, yes.

Q Do you recall what you spoke about?

A Just all the events that occurred.

Q Okay.

And what in particular did you speak about? I want to know the specific conversation. Do you recall the sum and

PO E. Sickles

substance of the conversation, what you said to him, what he said to you?

A I'm not sure. I know I spoke to him about the Taser.

Q        What did you speak with him about the Taser?

A I told him that I drive-stunned him with the Taser and that once I did it, the second time he listened.

Q        And what did Sergeant Kiernan say, if anything, in response?

A I don't recall.

Q After you left the hospital, did you have any conversations with any of the other officers that were involved in the arrest of Mr. Bradway? And I mean concerning, obviously, Mr. Bradway's arrest and the circumstances surrounding it.

A I couldn't say for sure.

Q Okay.

22 Obviously at some point you came  
23 to know that Mr. Bradway had passed away;  
24 correct?

25 | A Yes

PO E. Sickles

Q        And do you recall when you found that out?

A        Later that night. I was home and I got a phone call.

Q Who called you?

Q Do you know how Sergeant Kiernan found out?

A I believe -- I don't know.

Q Okay.

At the time that Sergeant Kiernan called you that night, did you discuss the cause of death?

A I don't recall. I'm sure that  
came up. I can't say exactly, though.

Q Do you recall during that conversation whether or not you or Sergeant Kiernan or the police in general knew the cause of death at that point?

A No.

Q Okay.

Did you have any reaction upon hearing the news that Mr. Bradway had passed away?

PO E. Sickles

A        Yeah. It was upsetting.

Q Why was it upsetting?

MS. DEJONG: I object, but

go ahead and answer it.

A           Mr. Bradway was in the second part  
-- my dealings with him was cooperative,  
was speaking to him, you know.

Q Okay.

After the date of the arrest, did you ever speak to or interview anyone that was at the house that day, the day of the arrest, concerning Mr. Bradway?

A Personally, no.

Q Do you know who did?

A I believe Sergeant Kiernan did.

MR. TELESCA: Okay, mark this 12, please.

(Plaintiff's Exhibit 12,  
Southampton Town Police Arrest  
Worksheet, was marked for  
identification, as of this date.)

23 Q Officer Sickles, I'll show you  
24 what's marked Plaintiff's Exhibit 12 (handing).

Do you recognize that document?

1 PO E. Sickles

2 A (Witness peruses document.)

3 Yes.

4 Q Is this your handwriting?

5 A No, it's not.

6 Q Do you know whose handwriting it  
7 is?

8 A No, I do not.

9 Q Okay.

10 Can you tell me -- have you ever  
11 seen this document before?

12 A Yes.

13 Q When do you recall first seeing  
14 it?

15 A This specific document or the  
16 paperwork itself?

17 MS. DEJONG: The form, or  
18 the specific -- is that what you  
19 mean?

20 MR. TELESCA: I mean this  
21 specific document with this  
22 writing on it.

23 A No, I don't believe so.

24 Q You have never seen this before?

25 A I don't believe so.

1 PO E. Sickles

2 Q And you don't know whose  
3 handwriting this is?

4 A No.

5 MR. TELESCA: Would you  
6 mark this 13, please.

7 (Plaintiff's Exhibit 13,  
8 Field Appearance Ticket, was  
9 marked for identification, as of  
10 this date.)

11 Q Officer Sickles, I'll put before  
12 you what's been marked Plaintiff's Exhibit 13  
13 (handing).

14 Do you recognize that document?

15 A (Witness peruses document.)

16 Yes, I do.

17 Q Can you tell me what it is?

18 A Field appearance ticket.

19 Q In particular, do you recognize  
20 this field appearance ticket?

21 A Yes.

22 Q And is this the field appearance  
23 ticket that you filled out for Tony Bradway?

24 A Yes.

25 Q Okay.

PO E. Sickles

And other than this field

appearance ticket, did you fill out any other paperwork in regard to Tony Bradway?

A sup. report, a supplementary report.

Q Anything else?

A I don't believe so.

MR. TELESCA: Mark this 14.

(Plaintiff's Exhibit 14,

Use of Force Report, was marked for identification, as of this date.)

MR. TELESCA: And 15,  
please.

(Plaintiff's Exhibit 15,  
Supplementary Report, was marked  
for identification, as of this  
date.)

Q Officer Sickles, I'll show you what's been marked Plaintiff's Exhibit 14 (handing).

Do you recognize that document?

A (Witness peruses document.)

Yes

1 PO E. Sickles

2 Q Can you tell me what that is?

3 A It's a Use of Force Report.

4 Q What is the purpose of a Use of  
5 Force Report?

6 A It's a required document any time  
7 we use any kind of force on a subject.

8 Q Okay.

9 If you look at Page 1, down --  
10 it's the second line from the bottom, it says  
11 "Condition of Defendant" and it's checked  
12 "intox/drugs."

13 A Yes.

14 Q What does that mean,  
15 "intox/drugs"?

16 A That he had taken some drugs.

17 Q Okay.

18 Does it mean he had taken drugs or  
19 that he was intoxicated?

20 A Well, that he was intoxicated.

21 Q At what point did you come to know  
22 that Mr. Bradway was intoxicated?

23 A Once I arrived at headquarters  
24 here.

25 Q You mean after you left the

PO E. Sickles

hospital?

A        No -- well, that's when I knew for sure, after I left the hospital.

Q Okay, but you had a -- well, what did you mean, when you arrived at headquarters from Greenfield Road?

A When I came back to headquarters.

Q                    From where?

A From the hospital.

Q You knew for sure that --

A Yes.

Q -- that there was an intoxication?

A Yes.

Q How about before that, what did you know?

A I knew that drugs were involved.

Q So you knew there was a potential intoxication; is that fair to say?

A Yes.

Q Okay.

Okay, I'm going to show you now what's been marked Plaintiff's Exhibit 15, and just for the record, the exhibit sticker is on the back of the document (handing).

1 PO E. Sickles

2 Officer Sickles, do you recognize

3 Plaintiff's Exhibit 15?

4 A (Witness peruses document.)

5 Yes.

6 Q Can you tell us what that is?

7 A A supplementary report.

8 Q Okay.

9 And just going back to 14, which  
10 is the Use of Force Report, is it dated?

11 A Yes.

12 Q And the date is 6/9/2008?

13 A Yes.

14 Q Now, is that the date of the  
15 incident concerning Tony Bradway?

16 A Yes.

17 Q And how do you know that?

18 A I'm looking at the supplementary  
19 report.

20 Q So the supplementary report says  
21 that the incident occurred on June 9, 2008?

22 A Yes.

23 Q Okay.

24 Do you recall filling out the Use  
25 of Force Report the same day that Tony Bradway

1 PO E. Sickles

2 was arrested and eventually taken to the  
3 hospital?

4 A I believe so

5 | Q Okay.

6 Now looking at Exhibit P-15, which  
7 is your supplementary report, that's also dated  
8 June 9, 2008; correct?

9 A Yes

10 Q And is it customary to fill out  
11 the supplementary report the date that an  
12 incident occurs or does it depend?

13 A It depends

14 Q In this case, since the report is  
15 dated June 9th, does that mean you filled the  
16 report out or created the report the date of the  
17 incident?

18 A Yes

20 And this supplementary report,  
21 this is what you reviewed yesterday?

22 A Yes.

23 | 0 Okay.

24 I'm going to ask you one or two  
25 questions about it, so if you would just like to

1 PO E. Sickles

2 | take a look at it again, feel free.

3 A Okay.

4 Q If you notice, halfway down it  
5 says "At that time I deployed the X-26 Taser,  
6 Serial No. X00-054571 and drive-stunned Bradway  
7 in his right side in order to prevent the  
8 subject from destroying the evidence or  
9 ingesting a lethal dose of cocaine."

10 Do you see that?

11 A Yes.

12 Q What is a "lethal dose of  
13 cocaine"?

14 A Too much cocaine for the body to  
15 handle

16 | 0 Okay.

17 Do you know in terms of some sort  
18 of measurement how much a lethal dose is?

19 A No. I don't

20 Q If you look maybe seven-eighths of  
21 the way down or so, it says "Bradway advised the  
22 medical staff who were tending to him that he  
23 had swallowed about five grams of cocaine and  
24 provided them with pedigree information."

25 Do you see that?

1 PO E. Sickles

2 A Yes.

3 Q Do you know if five grams of  
4 cocaine is a lethal dose?

5 A I do not know for sure.

6 | Q Okay.

12 A No.

14 Do you know what circumstances led  
15 you to write in your report that you "drive  
16 stunned Mr. Bradway in order to prevent him from  
17 either destroying evidence or ingesting a lethal  
18 dose of cocaine"? I'm just trying to understand  
19 why you chose the words "a lethal dose of  
20 cocaine."

21 A What led me to put that in there?

22 Q Right. What facts and

23 circumstances led you to write in your report  
24 that you wanted to prevent Mr. Bradway from  
25 "destroying evidence or ingesting a lethal dose

1 PO E. Sickles

2 | of cocaine"?

3 A Well, at no time did I know how  
4 much cocaine he had.

5 Q Okay, so you don't know why you  
6 chose the word "lethal"?

7 A No, I'm not sure.

10 (Plaintiff's Exhibit 16,  
11 Arrest report, was marked for  
12 identification, as of this date.)

13 (Plaintiff's Exhibit 17,  
14 Prisoner Transaction report, was  
15 marked for identification, as of  
16 this date.)

17 Q Officer Sickles, I'm going to show  
18 you what's been marked Plaintiff's Exhibit 16  
19 (handing).

20 Do you recognize the form of this  
21 document?

22 A (Witness peruses document.)

23 Yes

24 O What is it?

25 A Arrest report

PO E. Sickles

2 Q Who generates this document? Who  
3 creates it?

4 A Arresting officers.

5 Q Okay.

6 Now, this particular one that's  
7 been marked P-16 relates to Tony Bradway;  
8 correct?

9 A Yes.

10 Q Were you involved at all in the  
11 creation of this arrest report concerning  
12 Mr. Bradway?

13 A I don't recall

14 Q Do you recall whether you provided  
15 any of the information that's contained in this  
16 report?

17 A I'm sure I did

18 Q Okay, I just want to ask you a  
19 couple questions about it

20 Do you see where it says in the  
21 first box entitled "Arrestee," it says  
22 "Occupation," and it says "Framer"?

23 A Yes

24 Q Did you provide that information  
25 for this report?

PO E. Sickles

A I don't believe so.

Q Okay.

And if you look at the bottom, the very last sentence in the last box, it says "The defendant was transported to Peconic Bay Medical Center for treatment and later released on F.A.T. No. 14680."

Do you see that?

A Yes.

Q            What does it mean to be  
"released"?

A That you are no longer in our custody.

0 Okay.

And is "F.A.T." the field appearance ticket?

A Yes

0 Okay.

And then if you look at, I guess it's the last page -- or no, it's not the last page -- let me just ask you, the last two pages of this, are these part of the arrest report?

A No.

O Okay.

1 PO E. Sickles

2 So it's my error to actually  
3 include these as part of the arrest report?

4 A Yes.

5 MR. TELESCA: So for the  
6 record, I'm going to tear off  
7 these last few pages, so (taking  
8 pages off exhibit) -- so  
9 Plaintiff's Exhibit 16 is just  
10 going to be a three-page report,  
11 the first is titled "Arrest  
12 Report," Page 2 is "Arrest  
13 Report - Property Form," Page 3 is  
14 "Arrest Report - Medical Form."

15 Q So I'm going to show you now  
16 what's Page 3, it looks like it's Box 81, and it  
17 says under "Comments" -- well, if you recall, do  
18 you know whether you provided these comments?

19 A I don't recall.

20 Q Okay.

21 Other than you, who would have  
22 provided the comments?

23 A Could have been the transporting  
24 officer.

25 Q Okay.

PO E. Sickles

Were you the arresting officer for  
Tony Bradway?

A Myself and my partner, yes

Q So there does not necessarily have to be one person that's the arresting officer?

A No.

Q Okay.

The first sentence of the comments box, Box 81, says "The subject was observed ingesting a quantity of cocaine."

Now, I just want to understand your testimony from before. Did you observe Mr. Bradway ingesting any quantity of cocaine while you were at the Greenfield Road residence?

### A. Ingesting, no.

Q So this comment didn't come from you, then?

A I don't believe so

o Okay

Let me show you what was marked as  
P-17 (handing).

Do you recognize this document?

A (Witnesses, parusas, documents, etc.)

Year

1 PO E. Sickles

2 Q What is it?

3 A A prisoner transaction report.

4 Q Why was this created?

5 A This is part of the arrest report.

6 Q Okay.

7 Now, it says here, "On  
8 6/9/2008" -- do you see that? Those are the two  
9 dates.

10 A Yes.

11 Q That was the date Tony Bradway was  
12 arrested; correct?

13 A Uh-hum.

14 Q And the time "1628," I assume  
15 that's 4:28 in the afternoon?

16 A Yes.

17 Q Okay.

18 And what does that time indicate?

19 A It indicates when the report  
20 was -- the information was being put into the  
21 system.

22 Q So it doesn't indicate the time he  
23 was assigned to a cell or the time he was  
24 released?

25 A It says that, but it's not

1 PO E. Sickles

2 necessarily what it is.

3 Q In this circumstance, at 1639,  
4 Mr. Bradway, I assume was in the hospital  
5 already?

6 A Yes.

7 Q Okay.

10 A When we put somebody into the  
11 arrest system, they have to be assigned here  
12 first to be released. So that would be the time  
13 that it was being put in.

14 Q But as a matter of fact,  
15 Mr. Bradway wasn't assigned to a cell at  
16 headquarters or any other detention facility?

17 A No.

18 Q Okay.

19 Do you know what happened with  
20 Ms. Gianini? Was she arrested?

21 A Yes

22 Q Was she taken to the hospital?

23 A No.

24 Q Did you ever speak with

25 Ms. Gianini after you found out that Mr. Bradway

PO E. Sickles

had passed away?

A No, I did not.

Q Did you ever speak with the woman that you recalled as first name Tiffany? Did you ever speak with her after you found out Mr. Bradway had passed away?

A No.

Q        How about Mr. Bow, did you ever speak with him after you found out Mr. Bradway passed away?

A Yes

Q Did you speak with him about Mr. Bradway?

A No

0 Okay

So just to be clear, after you found out Mr. Bradway had passed away, you never spoke with Mr. Bow about Mr. Bradway?

A No.

Q        No, you did not speak with him?

A            No, I did not speak with him about that.

MR. TELESCA: Okay, let's  
mark these as 18

1 PO E. Sickles

2 (Plaintiff's Exhibit 18,

3 two-page document, was marked for  
4 identification, as of this date.)

5 Q Officer Sickles, I'm going to show  
6 you what's been marked as Exhibit P-18  
7 (handing).

8 Do you recognize this document?

9 A (Witness peruses document.)

10 No, I do not.

11 MR. TELESCA: For the  
12 record, P-18 is two pages. It's  
13 Pages 55 and 56 from defendants'  
14 document production.

15 Q Officer Sickles, do you recognize  
16 the handwriting at the bottom of Page 1, which  
17 is marked Page 55 of Plaintiff's Exhibit 18?

18 A No, I do not.

19 Q Do you recognize what appears to  
20 be some sort of signature at the end of that  
21 writing?

22 A Yes.

23 Q Whose signature is that?

24 A I'm not sure.

25 Q You don't recognize it?

PO E. Sickles

A No, I do not.

Q Okay.

Officer Sickles, during your time as a police officer have you ever been suspended or subject to any kind of disciplinary action?

A No.

Q During the time that you have been a police officer have you ever had the occasion to transport an arrestee directly to the hospital instead of coming to headquarters?

A I believe so.

Q        And after you found out that Mr. Bradway had passed away, did you have any conversations with any of the officers who were involved in his arrest concerning the facts and circumstances of that day, the date of his arrest?

A Possibly Officer Cagno

Q As you sit here today, do you have a specific recollection of any conversations you had with Officer Cagno concerning Tony Bradway after you found out he passed away?

A Not specifically, but

What do you recall?

PO E. Sickles

A I recall talking about the arrest.

I talk to Officer Cagno about every drug arrest we make.

Q Right. He's your partner, so you are with him all the time.

A Yes

0 Okay

But what in particular, if anything, do you recall speaking to Officer Cagno about?

A I don't recall exactly

MR. TELESCA: Okay, I have no further questions.

(Time noted: 12:14 p.m.)

#### ACKNOWLEDGMENT

STATE OF NEW YORK )

100

COUNTY OF )

I, POLICE OFFICER ERIC SICKLES, hereby certify that I have read the transcript of my testimony taken under oath in my deposition of May 24, 2010; that the transcript is a true and complete record of my testimony, and that the answers on the record as given by me are true and correct.

POLICE OFFICER ERIC STICKLES

Signed and subscribed to before me this

Notary Public, State of New York

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3

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5	Eric Sickles	Mr. Telesca	4

6 INDEX TO EXHIBITS  
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1  
2 ERRATA SHEET FOR THE TRANSCRIPT OF:  
3 Case Name: Bradway v. Town of Southampton, Et Al  
Deposition Date: May 24, 2010  
4 Deponent: Police Officer Eric Sickles  
Place: 110 Old Riverhead Road  
Hampton Bays, New York  
5

## 6 CORRECTIONS

7 PG	LN	NOW READS	SHOULD READ	REASON FOR
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21	—	—	—	—
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22 Date \_\_\_\_\_ Signature \_\_\_\_\_

23 Subscribed and sworn to before me  
this \_\_\_\_\_ day of \_\_\_\_\_ 2010.

25 \_\_\_\_\_ (NOTARY PUBLIC)

1

2

C E R T I F I C A T E

3

4 I, LORI ANNE CURTIS, a Notary Public in  
5 and for the State of New York, do hereby  
6 certify:

7 THAT the witness(es) whose testimony is  
8 hereinbefore set forth, was duly sworn by me;  
9 and

10 THAT the within transcript is a true  
11 record of the testimony given by said  
12 witness(es).

13 I further certify that I am not related,  
14 either by blood or marriage, to any of the  
15 parties in this action; and

16 THAT I am in no way interested in the  
17 outcome of this matter.

18 IN WITNESS WHEREOF, I have hereunto set  
19 my hand this 5th day of June, 2010.

20

*Lori Anne Curtis*

21

\_\_\_\_\_  
22 LORI ANNE CURTIS

23

24

25